

REMARKS

Claim 26 was rejected under 35 U.S.C. §112 for indefiniteness.

Claim 26 was rejected under 35 U.S.C. §102(b) as being anticipated by Bandini et al. (US 2002/0199095).

Claim 26 has been amended.

Reconsideration of the application based on the following remarks is respectfully requested.

35 U.S.C. §112 Rejection

Claim 26 was rejected under 35 U.S.C. §112 for indefiniteness. The term undesirable receiving device is described in the specification at paragraph 8. Claim 26 has been amended to remove the quotations. Withdrawal of the rejection is respectfully requested.

35 U.S.C. §102(b) Rejections

Claim 26 was rejected under 35 U.S.C. §102(b) as being anticipated by Bandini et al. Bandini et al. discloses a “method for reducing the number of SPAM messages received by users of a protected e-mail network.” (See para. [0004]; lines 2 to 3).

Claim 26 recites a method of monitoring messages addressed to a first receiver (E1) in which the first receiver (E1) is a first set-up user account in a communications service and comprises an undesirable receiving device (UNE),
the first receiver (E1) is set up to prevent access by a user of the first receiver (E1) to the undesirable receiving device (UNE),
an undesirable message category is defined which indicates messages which are to be prevented from being delivered to a user of the first receiver (E1),
it is checked whether a message (M) addressed to the first receiver (E1) falls into the undesirable message category,
the message (M) is allocated to the undesirable receiving device (UNE) if the message (M) falls into the undesirable message category, and
the first receiver (E1) is set up in order that the undesirable receiving device (UNE) can only be accessed by a second receiver (E2), which is a second set-up user account in the communications service.

Bandini et al. does not disclose “the first receiver (E1) is set up in order that the undesirable receiving device (UNE) can only be accessed by a second receiver (E2), which is a second set-up user account in the communications service” as recited in claim 26. Bandini et al. discloses that unwanted messages that are SPAM are evaluated, to some degree, by the end user because the end user helps to compile the SPAM database which is different from “the undesirable receiving device (UNE) can only be accessed by a second receiver (E2)” as recited in claim 26. (See Bandini et al. parag. [0034]; line 3 to [0035]; line 17). What is the asserted second receiving device in Bandini et al.? It is respectfully submitted that there is none.

Withdrawal of the rejection under 35 U.S.C. §102(b) to claim 26 is therefore respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:


William C. Gehris

Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940